

### **Remarks/Arguments**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed June 15, 2007. Claims 1-20 and 22-28 are rejected.

In this Amendment, claim 10 has been amended. No claims have been canceled. New claim 21, missing from the original filing, has been added. It is respectfully submitted that the amendment does not add new matter. Therefore, claims 1-28 are presented for examination.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

### **Claim Rejections under 35 U.S.C. §101**

The Examiner has rejected claims 10-18 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claim 10, to clarify the statutory subject matter addressed. Applicants respectfully request the withdrawal of this rejection.

### **Claim Objections**

The Examiner noted that claim 21 was not submitted. Applicants have added a claim 21, designated "New." Applicants therefore respectfully request the withdrawal of the claim objections.

### **Claim Rejections under 35 U.S.C. §102(e)**

The Examiner has rejected claims 1-20 and 22-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,832,253 to Auerbach.

Auerbach discusses a proximity-based content control method "propagates" or positions content based upon "proximity" between various nodes on a network. Auerbach's nodes are independently evaluated. There is no concept in Auerbach of a grouping of nodes.

Applicants respectfully submit that Auerbach doesn't have the concept of an "arena" defining a group of nodes. As described in the Specification, an arena is a set

of nodes on a network. Arena 204 is a collection of nodes that can be specified by a system administrator. In one embodiment, an arena in arena 204 is defined by a set of edge routers. (Specification, paragraph 34).

The Examiner says "Determining whether a client is a member of an arena is done by proximity between the client and potential video servers." Applicants respectfully submit that this ignores the concept of having an arena with multiple nodes within the arena. In Auerbach, each node's proximity to a client is evaluated individually, there is no grouping of nodes. (Auerbach, column 6, lines 42-55). Therefore, Auerbach does not teach or suggest the use of an "arena."

Claim 1 recites in part "if the client is a member of the arena, applying routing rules to the delivery of content to the client, including routing rules specific to the arena." The Examiner suggests that Auerbach, at column 8, lines 56-67 defines proximity as functioning along a specific network path. This is correct, however, this has no connection to having an "arena" and routing content in accordance with routing rules specific to the arena. Therefore, claim 1, and claims 2-9 are not anticipated by Auerbach.

Claim 10, as amended, recites in part "if the client is a member of the arena, applying routing rules to the delivery of content to the client, including routing rules specific to the arena." As noted above, Auerbach does not teach or suggest an arena, nor the use of routing rules specific to the arena. Therefore, claim 10, and claims 11-18 which depend on it, are not anticipated by Auerbach.

Claim 19 recites in part "a routing mechanism configured to apply routing rules to the delivery of content to the client, including routing rules specific to the arena, if the client is a member of the arena." As noted above, Auerbach does not teach or suggest an arena, nor the use of routing rules specific to the arena. Therefore, claim 19, and claims 22-28 which depend on it, are not anticipated by Auerbach.

## **Conclusion**

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith A. Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
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